

ORIGINAL



0000051754

BEFORE THE ARIZONA CORPORATION COMMISSION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

WILLIAM A. MUNDELL  
Chairman  
JIM IRVIN  
Commissioner  
MARC SPITZER  
Commissioner

RECEIVED  
2001 DEC 19 A 11:01  
AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION ) DOCKET NO. W-01737A-01-0662  
OF NEW RIVER UTILITY COMPANY, INC. )  
FOR A RATE INCREASE )

**STAFF'S MOTION TO EXTEND TIME DUE TO APPLICANT'S  
FAILURE TO PROVIDE PUBLIC NOTICE OF HEARING  
ON THE APPLICATION FOR A RATE INCREASE**

Staff for the Utilities Division of the Arizona Corporation Commission ("Staff") hereby respectfully submits this motion to extend the time and continue the deadline for filing motions to intervene and all corresponding due dates for testimony and the hearing date, if needed, for the reasons stated below.

Pursuant to Arizona Administrative Code (A.A.C.) R14-3-109(B), "publication of notice of hearings shall be as required by law or as ordered by the Commission in a particular proceeding."

In the procedural order ("PO") docketed on September 20, 2001 the Applicant was ordered to mail public notice to each of its customers a copy of the notice included in the PO by November 9, 2001.

As of December 19, 2001 no certification of mailing has been filed with docket on this case.

Staff believes that the hearing cannot go forward until adequate notice has been sent to customers. Without such notice, no proof exists that notice of the hearing has been given.

Arizona Corporation Commission

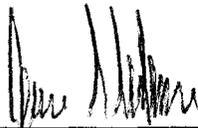
**DOCKETED**

**DEC 19 2001**

DOCKETED BY *msc*

1 Therefore, customers will not have the opportunity to intervene if they desire. Staff believes that  
2 such would not be in the public interest and respectfully requests an extension of time for that  
3 reason.

4 RESPECTFULLY SUBMITTED this 19<sup>th</sup> day of December, 2001.

5  
6  
7  
8  
9  
10  
  
Jason D. Gellman, Attorney  
Legal Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007  
(602) 542-3402

11 The original and ten copies of the  
12 foregoing filed this 19<sup>th</sup> day of  
13 December, 2001, with:

14 Docket Control  
15 Arizona Corporation Commission  
16 1200 West Washington Street  
17 Phoenix, Arizona 85007

18 COPIES of the foregoing  
19 mailed this 19<sup>th</sup> day of  
20 December, 2001 to:

21 Mr. Robert Fletcher  
22 7839 West Deer Valley Road  
23 Peoria, Arizona 85007

24 C. J. Schatza, CPA  
25 Barrows & Schatza, P.L.C.  
26 1819 E. Morten Avenue #255  
27 Phoenix, Arizona 85020

28 Scott S. Wakefield  
Residential Utility Consumer Office  
2828 North Central Avenue, Suite 1200  
Phoenix, Arizona 85004

29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
  
Angela L. Bennett